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Department of Health and Human Services  
Office of the Board of Health  
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## **Wastehauler and Dumpster Regulations and for the Removal and Transportation of Solid Waste or Recyclables**

### **Section 1: Statement of Purpose**

Whereas the Arlington Board of Health has seen an 80% increase in rodent complaints throughout the Town since 2015;

Whereas there are 197 Food Establishments permitted in Town during 2018;

Whereas in 2014, 258.5 million tons of Municipal Solid Waste (MSW) was generated nationally<sup>1</sup>;

Whereas in 2014, 14.9% of America's MSW was food waste<sup>2</sup>;

Whereas on average in 2013 each American produced 4.4 pounds of waste per day<sup>3</sup>;

Whereas Massachusetts Waste Ban regulations, as specified in 310 CMR 19.017, are in place to reduce adverse environmental impacts that may result from the human-generated solid waste;

Now, therefore it is the intention of the Arlington Board of Health to regulate dumpsters and wastehaulers that transport solid waste or recyclables to ensure that they are in compliance with the Massachusetts Waste Ban regulations and uniformly comply with permit requirements established by the Town of Arlington.

### **Section 2: Scope of Authority**

This regulation is promulgated pursuant to the authority granted to the Arlington Board of Health by Massachusetts General Laws, Chapter 111, Section 31 that "Boards of Health may make reasonable health regulations".

### **Section 3: Applicability**

These regulations shall apply to all commercial and residential dumpsters within the Town of Arlington, Massachusetts. Temporary dumpsters utilized in conjunction with building permits issued by Inspectional Services shall not fall under the jurisdiction of these regulations. All dumpsters utilized by a permitted food establishment in the Town of Arlington shall comply with both the regulations outlined herein and all applicable

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<sup>1</sup> United States Environmental Protection Agency, (EPA) (2016), *Advancing Sustainable Materials Management: 2014 Tables and Figures*. Retrieved from: [https://www.epa.gov/sites/production/files/2016-11/documents/2014\\_smm\\_tablesfigures\\_508.pdf](https://www.epa.gov/sites/production/files/2016-11/documents/2014_smm_tablesfigures_508.pdf)

<sup>2</sup> United States Environmental Protection Agency, (EPA) (2016), *Advancing Sustainable Materials Management: 2014 Tables and Figures*. Retrieved from: [https://www.epa.gov/sites/production/files/2016-11/documents/2014\\_smm\\_tablesfigures\\_508.pdf](https://www.epa.gov/sites/production/files/2016-11/documents/2014_smm_tablesfigures_508.pdf)

<sup>3</sup> United States Environmental Protection Agency, (EPA) (2016), *Municipal Solid Waste*. Retrieved from: <https://archive.epa.gov/epawaste/nonhaz/municipal/web/html/>

requirements as outlined by the current Food and Drug Administration (FDA) Food Code edition enforced in the Town of Arlington.

#### **Section 4: Definitions**

- Board:** The Board of Health or its agent or designee.
- Composting:** A process of accelerated biodegradation and stabilization of organic material under controlled conditions yielding a product which can be safely used, as those terms are or may be defined by *310 CMR 19.00: Solid Waste Management*.
- Dumpster:** Any container (other than a conventional trash can with lid) used for the outside storage of solid waste, recyclables, garbage, rubbish, organic matter, or refuse of any sort. This includes 96 gallon rolling toters supplied in lieu of a dumpster, as well as rolling toters used to collect and haul food waste and composting materials. This excludes temporary construction dumpsters permitted by Inspectional Services.
- Garbage:** The animal, vegetable or other organic waste resulting from the handling, preparing, cooking, consumption or cultivation of food, and containers and cans which have contained food unless such containers have been cleaned and prepared for recycling.
- Owner:** Any person, including a lessee or mortgagee in possession, who alone or severally with others, has lawful title to or lawful possession, care or control of any property on which a dumpster is located or proposed to be located. Owner also includes any authorized agent of such person.
- Private Wastehauler:** Any person, who, for compensation, supplies, maintains or services one or more dumpsters, or removes, transports or disposes of the contents thereof who is not apart of the Town's wastehauler contract.
- Recycleables:** A material that is banned from disposal in the Commonwealth of Massachusetts pursuant to *310 CMR 19.017: Waste Bans*. Mixed paper, cardboard, glass, metal, plastic containers are priority materials of this regulation.
- Rubbish:** Combustible and noncombustible waste materials, except garbage, and includes but is not limited to such material as paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, grass clippings, tin cans, metals, mineral matter, glass, crockery, dust, and the residue from the burning of wood, coal, coke and other combustible materials.
- Solid Waste:** Useless, unwanted or discarded non-recyclable solid or liquid wastes, excluding items restricted from disposal in Massachusetts, as defined by Table *310 CMR 19.017 (3)* of the Massachusetts Solid Waste regulations (*310 CMR 19.017*).
- Waste Ban Materials:** All materials designated as banned from disposal in the Commonwealth of Massachusetts pursuant to *310 CMR 19.017: Waste Bans*, including: asphalt pavement, brick and concrete, cathode ray tubes, clean gypsum wallboard, ferrous and non-ferrous metals, glass and metal containers, lead acid batteries, leaves and yard waste, recyclable paper, cardboard and paperboard, single resin narrow-neckwed plastics, treated and

untreated wood and wood waste (banned from landfills only), white goods (large appliances), and whole tires (banned from landfills only).

**Wastehauler:** Any person, who, for compensation, supplies, maintains or services one or more dumpsters, or removes, transports or disposes of the contents thereof in accordance with the Town's wastehauler contract. This excludes landscaping companies that haul yard waste.

#### **Section 5: Dumpster Permit Application**

- 5.1 No dumpster shall be used or kept in the Town of Arlington after January, 2019 unless an application is submitted to the Board of Health and a permit is issued by the Board allowing the use of such dumpster. All permits shall expire at the end of the calendar year in which they are issued, and may be renewed annually with the application provided by the Board. There shall be a fee of \$100.00 payable for said permit.

#### **Section 6: Wastehauler Permit Application**

- 6.1 No contractor, firm, or person shall supply a dumpster service in the Town of Arlington for the purpose of storage, removal, or transporting of solid waste or recyclables without first obtaining a wastehauler permit from the Board. All permits shall expire at the end of the calendar year in which they are issued, but may be renewed annually with the application provided by the Board. There shall be a fee of \$110.00 payable for said permit.

#### **Section 7: Dumpster Regulations**

- 7.1 Each dumpster must be located at a distance from the lot line so as to not interfere with the safety, convenience, or health of abutters or residents. Dumpster location must be approved by the Board.
- 7.2 Each dumpster must be situated so as not to obstruct the view of flowing traffic.
- 7.3 When deemed necessary by the Board, it may be required that a dumpster site be enclosed or screened by the property owner or authorized agent.
- 7.4 Each dumpster must be of sufficient size and capacity to eliminate overflowing, and the property owner or authorized agent of the premises utilizing the service must take appropriate action immediately to empty contents when full.
- 7.5 All dumpsters must have a tight-fitting lid or cover, which shall be kept closed at all times except when being filled, cleaned or emptied. Each dumpster shall be constructed in such a way as to be leak-proof. If drain plugs are provided, they must be tight-fitting so as to prevent the leakage of liquid. All dumpsters must be maintained in good condition, without defect, as to prevent pest activity.
- 7.6 Any dumpster used for the disposal of liquids or organic matter shall be emptied as necessary to prevent insect or pest attraction.
- 7.7 The Board may order dumpster capacity size changes and/or additional pickups if in their opinion they find it necessary.

### **Section 8: Dumpster Permittee Responsibilities**

- 8.1 The owner or agent of the dumpster shall have his/her business name and telephone number conspicuously displayed on the dumpster.
- 8.2 It shall be the responsibility of the owner and/or agent whose property is being serviced to maintain the dumpster area free of odors, scattered debris, overflowing debris, and all other nuisances. It shall also be the responsibility of the property owner and/or agent being serviced to maintain the dumpster area free from any condition that may be considered an attraction for rodents or other pests.
- 8.3 Dumpsters must be maintained in good condition. Rust holes, uncovered drain caps, and other physical evidence of neglect that allows rodents and other animals access to the dumpster contents are not permitted. Owners who have a history of poor maintenance shall be required to work with their contractor and swap out the dumpster for one that meets these regulations.
- 8.4 Dumpsters must be placed on pavement or concrete, not soil. The location must be approved by the Arlington Board of Health.
- 8.5 Food service establishments must also comply with *105 CMR 590.000*, the State Sanitary Code.

### **Section 9: Wastehauler Permittee Responsibilities**

- 9.1 The dumpster wastehauler shall have the dumpster deodorized, washed or sanitized as directed by order of the Board as necessary to preclude pest attraction and activity.
- 9.2 The dumpster wastehauler shall have his/her business name and telephone number conspicuously displayed on the dumpster.
- 9.3 All permitted wastehaulers must be in compliance with applicable federal, state, and local laws. Each wastehauler vehicle must meet all Department of Transportation safety requirements at all times.
- 9.4 All materials must be securely contained in the vehicle. Littering or leaking shall be considered a violation of this regulation.

### **Section 10: Mandatory Recycling**

- 10.1 This regulation is intended to support and align with the Town of Arlington's Mandatory Recycling Bylaw as outlined in Massachusetts Waste Ban regulations *310 CMR 19.017*. All recycling must be in compliance with the requirements outlined in the Town's contracted wastehauler services.

### **Section 11: Violations; Enforcement**

- 11.1 These regulations apply to all dumpsters and wastehaulers in the Town of Arlington whether for residential, commercial, or industrial use.
- 11.2 The Board is authorized to inspect a permitted dumpster or a permitted wastehauler's truck and load at any time. The Board also has the right to require weight slips or confirmation of disposal of solid waste or recyclables.

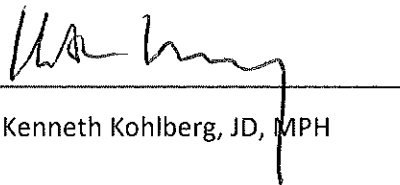
- 11.3 Wastehauler permits may be suspended or revoked by the Board for failure of the wastehauler to comply with the requirements of these regulations.
- 11.4 The Board may attach any conditions to the dumpster service permit that it deems would serve the interest of the safety, health, welfare, or quality of life of the citizens of the Town of Arlington.
- 11.5 The Board may, by written decision, vary the application of any provision of these regulations with respect to any particular case, when the enforcement thereof would do manifest injustice; provided that any such decision of the Board shall not conflict with the express purpose of these regulations. Any variance shall, while it is in effect, be available to the public during normal business hours in the Health Department Office.
- 11.6 Any person who violates the terms of these regulations shall be subject to a fine of \$50.00 for the first offense and \$100 for each subsequent offense under the non-criminal disposition authorized by M.G.L. Chapter 40 Section 21D and Town bylaw Title VIII, Article 3 Section 7. Each day shall constitute a separate offense.
- 11.7 If any provision of these regulations is declared invalid or unenforceable by any court of competent jurisdiction, the other provisions of the regulations shall not be affected thereby, but shall continue in full force and effect.

**11. Effective Date**

These regulations shall take effect on May 23, 2018.

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Marie Walsh Condon, MD

2. 

Kenneth Kohlberg, JD, MPH

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Kevin Fallon, DVM